

Message Text

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ACTION EUR-12

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E.O. 11652: GDS

TAGS: PFOR, NATO, ICRC, PARM

SUBJ: INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT -
PORPOSED NATO CONSULTATIONS

REF: A) STATE 159399; B) USNATO 3551

1. AT LATE AFTERNOON JULY 9 POLADS MEETING, ALLIED REPS FURTHER MODIFIED DRAFT MANDATE (ISD/115) REPORTED IN PARA 4, REF B. ON THE BASIS OF INSTRUCTIONS, LARGE MAJORITY WAS READY TO AGREE AD REFERENDUM TO TEXT ASKING NAC TO REQUEST THE MC (RATHER THAN THE IMS) TO STUDY THE MILITARY IMPLICATIONS OF THE POSSIBLE PROHIBITION ON THE USE OF CERTAIN WEAPONS. DEAD-LINE FOR REPORT WOULD BE SEPTEMBER 22, 1975. STRONG MAJORITY OPINION WAS THAT A REQUEST FROM NAC TO MC WOULD CARRY MORE WEIGHT (AND RESULT IN BETTER JOB) THAN IF REQUEST WERE FROM POLADS TO IMS.

2. THE OTHER MAIN CHANGE IN NEW DRAFT IS DELETION OF "REPR-ISALS" AND ADDITION OF "RECIPROCAL NON-USE" IN SUBPARAGRAPH (B).

3. THE FRG REP (CITRON) CONTINUED TO INSIST THAT THE REQUEST
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CALL FOR A STUDY OF THE IMPLICATIONS OF ARTICLE 46.3 OF THE FIRST SUPPLEMENTARY PROTOCOL TO THE GENEVA CONVENTIONS OF 1949, WHICH HE EXPLAINED CONCERNS PROTECTION OF CIVILIAN POPULATIONS. NONE OF THE OTHER REPS HAD INSTRUCTED OBJECTIONS TO A STUDY

OF 46.3, BUT THEY DID FEEL THAT INCLUDING IT WITH THE OTHER HIGHER PRIORITY ITEMS FOR STUDY WOULD OVERLOAD THE MC AND DELAY ITS REPORT. THE DISCUSSION ENDED WITH A DECISION THAT IS WOULD PREPARE A SEPARATE MANDATE REQUESTING THE MC TO STUDY THE IMPLICATIONS OF 46.3 (DUE DATE OF STUDY IS END OF NOVEMBER 1975). POLADS APPROVAL BY SILENCE PROCEDURE OF DRAFT REQUESTS TO MC IS DUE BY NOON MONDAY, JUL Y14. FOLLOWING POLADS APPROVAL, TEXT OF DRAFT MANDATES WOULD BE SUBMITTED TO COUNCIL FOR ITS APPROVAL BY SILENCE PROCEDURE EFFECTIVE COB FRIDAY, JULY 18. TEXT OF DRAFT MANDATES FOLLOWS IN PARA 6.

4. FOLLOWING POLADS MEETING, FRG REP INFORMED US THAT A GERMAN GROUP HAD VISITED WASHINGTON JUNE 23-30 TO DISCUSS HUMANITARIAN LAW ISSUES AND HAD EXPRESSED TO US OFFICIALS THEIR CONCERN REGARDING THE POSSIBLE IMPLICATIONS FOR ALLIED SECURITY OF ARTICLE 46.3

5. COMMENT: A SENSE OF URGENCY HAS DEVELOPED ABOUT HAVING THE PROPOSED MC STUDY ON CONVENTIONAL WEAPONS AVAILABLE IN TIME FOR THE FALL MEETING OF THE DISARMAMENT EXPERTS. IN OUR VIEW, HANDLING THE PROPOSED NAC REQUEST OF THE MC BY THE SILENCE PROCEDURE MAKES IT UNLIKELY THAT THERE WILL BE ANY DISCUSSION OF THIS MATTER IN THE COUNCIL. SO FAR DISCUSSION IN POLADS HAS BEEN UNCONTENTIOUS, EXCEPT FOR SOME ANNOYANCE AT FRG INSISTENCE ON STUDYING THE IMPLICATIONS OF 46.3 END COMMENT.

6. BEGIN TEXT ISD/115 (2ND REV)

THE MILITARY COMMITTEE IS INVITED TO PROVIDE THEIR ADVICE ON THE IMPLICATIONS FOR THE MILITARY SECURITY OF THE ALLIANCE OF POSSIBLE PROHIBITIONS OF AND/OR RESTRICTIONS ON THE USE OF CERTAIN CATEGORIES OF WEAPONS TO BE DISCUSSED AT THE SECOND SESSION OF THE CONFERENCE OF GOVERNMENT EXPERTS ON CONVENTIONAL WEAPONS UNDER THE AUSPICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (LUGANO, 28TH JANUARY TO 24TH FEBRUARY, 1975), TAKING ACCOUNT OF:

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(A) THE POSSIBILITY OF REPLACEMENT BY ALTERNATIVE CONVENTIONAL WEAPONS:

(B) DIFFERENT FORMS OF LIMITATIONS ON USE (E.G. FIRST USE, USE IN POPULATED AREAS, RECIPROCAL NON-USE);

(C) POSSIBLE FUTURE DEVELOPMENTS IN ARMAMENTS.

HTE MC IS INVITED TO SUBMIT ITS REPORT NOT LATER THAN 22ND SEPTEMBER, 1975.

END TEXT.

BEGIN TEXT:

THE MILITARY COMMITTEE IS INVITED TO EXAMINE THE IMPLICATIONS OF THE PROHIBITION OF AND LIMITATIONS ON THE USE OF CONVENTIONAL AND NUCLEAR WEAPONS WHICH MIGHT RESULT FROM ARTICLE 46.3 OF THE FIRST DRAFT SUPPLEMENTARY PROTOCOL TO THE GENEVA CONVENTIONS OF 1949 WORKED OUT IN COMMITTEE III OF THE DIPLOMATIC CONFERENCE (3RD FEBRUARY TO 18TH APRIL, 1975 IN GENEVA).

THE MC IS REQUESTED TO SUBMIT ITS REPORT NOT LATER THAN THE END OF NOVEMBER 1975.

END TEXT.

7. ACTION REQUESTED: GUIDANCE BY COB, JULY 14, ON WHETHER WE CAN ACCEPT MODIFIED DRAFT MANDATE IN PARA 6 ABOVE. PEREZ

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<< END OF DOCUMENT >>

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